

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
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PER

DEPUTY CLERK

MITCHELL WALL,

Plaintiff,

v.

BRIAN BUSHMAN, DR., J. POTOPE,
A.H.A., NEYLON, COUNSELOR, and
Other Unknown Defendants, et al.,

Defendants.

Civil No. 3:12-CV-2112

(Judge Kosik)

MEMORANDUM AND ORDER

AND NOW, THIS 19th DAY OF NOVEMBER, 2013, IT APPEARING TO
THE COURT THAT:

(1) Plaintiff, Mitchell Wall, a prisoner confined at Allenwood United States Penitentiary, White Deer, Pennsylvania, filed the instant civil rights action pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971) on October 23, 2012;

(2) The action is currently assigned to Magistrate Judge Karoline Mehalchick for Report and Recommendation;

(3) Pending before the court are plaintiff's motion for preliminary injunctive relief and restraining order (Doc. 40);

(4) On October 30, 2013, the Magistrate Judge issued a Report and Recommendation (Doc. 52) wherein she recommended that the plaintiff's motion for injunctive relief be denied;

(5) Specifically, after setting forth the legal requirements for injunctive relief, the Magistrate Judge found that plaintiff failed to make a sufficient showing of what is required for preliminary injunctive relief;

(6) Petitioner has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(7) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C.A. §636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

(8) We have considered the Magistrate Judge's Report and we concur with her recommendation;

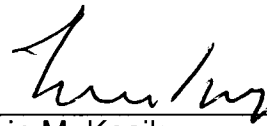
(9) After reviewing the motion filed by plaintiff, we agree with the Magistrate Judge that plaintiff's claims do not warrant this extraordinary form of injunctive relief;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Karoline Mehalchick dated October 30, 2013 (Doc. 52) is **ADOPTED**;

(2) The plaintiff's motion for injunctive relief (Doc. 40) is **DENIED**; and

(3) The above-captioned action is remanded to the Magistrate Judge for further proceedings.



Edwin M. Kosik

United States District Judge